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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,891	01/18/2001	Me Van Le	155634-0012	9276

7590 11/02/2006
Irell & Manella LLP
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EXAMINER

TRAN, THANG V

ART UNIT PAPER NUMBER

2627

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,891

Applicant(s)

VAN LE ET AL.

Examiner

Thang V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 17, 21, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 17, 21, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

In response to a communication dated 09/11/06, an amendment dated 08/18/06 has been entered and considered with the following results:

Original Patent

1. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17, 21 and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Valent (US 5,867,353).

Valent, according to Figs. 1 and 3-5, shows a disk drive and a disk comprising all the features of the instant claimed invention as interpreted as follow:

Regarding claim 17, see Figs. 1, 3 and 5 of Valent which show a disk drive (see Fig. 1) comprising: a spin motor (14); an actuator arm (22, 24); a head (20) having a read element and write element coupled to the actuator arm; a disk (12) attached to the spin motor (14) having a plurality of tracks each of which has a track centerline CL and the

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tracks including a dedicated track having stored thereon one or more system parameter (50-60) including position offset information (see bits 50-60 and column 3, line 55 to column 4, line 15) aligned with the centerline of the dedicated track (see Fig. 5); a servo controller (circuits 30) configured to initially move the head to the dedicated track upon powering up of the hard disk drive and to read the system parameters while the read element is centered along the centerline of the dedicated track (see column 4, lines 8-23); and the position offset information (50-60), of course, must be determined before being stored in the dedicated track at particular locations and specific distances with respect to the centerline of the dedicated track as described in column 3, lines 55-67.

Regarding claims 21, see Figs. 1-5 of Valent which show a disk drive (see Fig. 1) comprising having a head (20) containing a read element and write element for reading and writing data from/on a disk; the disk having position offset information (50-60) previously stored on a centerline of a dedicated track, and in operation, after powering up the disk drive; the head is initially aligned with a centerline of a dedicated track that contains at least one system parameter (50-60) including position offset information (see bits 50-60 and column 3, line 55 to column 4, line 15); the system parameter on the dedicated track is read by the head as recited in this claim (see column 4, lines 8-23); and the position offset information (50-60), of course, must be determined before being stored in the dedicated track at particular locations and specific distances with respect to the centerline of the dedicated track as described in column 3, lines 55-67.

Regarding claims 33-34, see column 3, lines 32-67.

Allowable Subject Matter

4. Claims 1-12 are allowed over the prior art of record because the prior art of record.

Response to Arguments

5. In response to Applicant arguments, Applicant should note that the position offset information (50-60) in the disk of Valent is pre-stored/pre-recorded on the dedicated track, and it, of course, must be determined before being stored in the dedicated track; otherwise, it cannot be stored or recorded at particular locations and specific distances with respect to the centerline of the dedicated track as described in column 3, lines 55-67.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Hoa can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thang V. Tran
Primary Examiner
Art Unit 2627